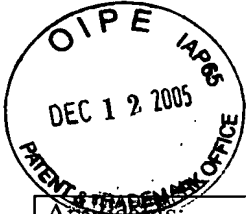


1233 Rec'd PCT/PTO 12 DEC 2005  
PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Tung M. Fong	
Serial No.:	10/506,395	Case No.: 21041P
Filed:	September 2, 2004	
For:	METHOD OF TREATMENT OR PREVENTION OF OBESITY	

Examiner:

Art Unit:

Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

COMMUNICATION

Sir:

Please issue a corrected filing receipt for the captioned patent application. The correct date was 9/2/04. A copy of the Transmittal Letter with the Express Mail Certificate showing the date of 9/2/04 is attached.

If there are any questions please telephone the undersigned.

Respectfully submitted,

By

Richard C. Billups, Reg. No. 31,916  
Attorney for Applicants

MERCK & CO., INC.  
P.O. Box 2000  
Rahway, New Jersey 07065-0907  
(732) 594-0125

Date: December 9, 2005

/vb

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By [Handwritten Signature] Date 12-09-2005

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A FILING UNDER 35 U.S.C. 371**

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

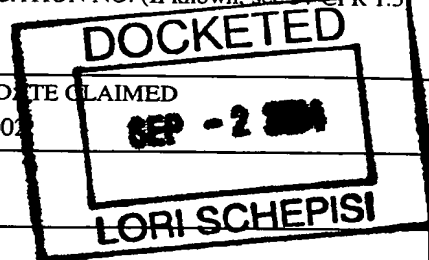
INTERNATIONAL APPLICATION NO.  
PCT/US03/06031INTERNATIONAL FILING DATE  
28 February 2003PRIORITY DATE CLAIMED  
6 March 2002

TITLE OF INVENTION

METHOD OF TREATMENT OR PREVENTION OF OBESITY

APPLICANT(S) FOR DO/EO/US

TUNG M. FONG and LEONARDUS H.T. VAN DER PLOEG

**Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:**

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures [35 U.S.C. 371(f)]. The submission must include items (5), (6), (9) and (19) indicated below.
4. ☒ The US has been elected (PCT Article 31).
5. ☒ A copy of the International Application as filed [35 U.S.C. 371(c)(2)]
  - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ has been communicated by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed [35 U.S.C. 371(c)(2)].
7. ☒ Amendments to the claims of the International Application under PCT Article 19 [35 U.S.C. 371(c)(3)].
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 [35 U.S.C. 371(c)(3)].
9. ☒ An oath or declaration of the inventor(s) [35 U.S.C. 371(c)(4)].
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 [35 U.S.C. 371(c)(5)].

**Items 11 to 18 below concern other document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ Other items or information:

EL989603640US

**EXPRESS MAIL CERTIFICATE**DATE OF DEPOSIT September 2, 2004EXPRESS MAIL NO. EL989603640USI HEREBY CERTIFY THAT THIS CORRESPONDENCE IS  
BEING DEPOSITED WITH THE UNITED STATES POSTAL  
SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE"  
ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TOCOMMISSIONER FOR PATENTS, P.O. BOX 1450,  
ALEXANDRIA, VIRGINIA 22313-1450.MAILED BY LORI SCHEPISI  
DATE SEP 2 2004

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.

ATTORNEY'S DOCKET NUMBER

PCT/US03/06031

21041P

19. ☒ The following fees are submitted:**BASIC NATIONAL FEE [37 CFR 1.492(a)(1)-(5)]:**

Neither international preliminary examination fee (37 CFR 1.482) nor international search fee [37 CFR 1.445(a)(2)] paid to USPTO and International Search Report not prepared by the EPO or JPO..... **\$1,080.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO..... **\$920.00**

International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee [37 CFR 1.445(a)(2)] paid to USPTO ..... **\$770.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482) but all claims did not satisfy provisions of PCT Article 33(1)-(4)..... **\$730.00**

International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(1)-(4)..... **\$100.00**

**ENTER APPROPRIATE BASIC FEE AMOUNT =****\$100.00**

Surcharge of **\$130.00** for furnishing the oath or declaration later than 30 months from the earliest claimed priority date [37 CFR 1.492(e)].

Claims	Number Filed	Number Extra	Rate		
Total Claims	28 - 20 =	8	X <b>\$18.00</b>	<b>\$144.00</b>	
Independent Claims	4 - 3 =	1	X <b>\$86.00</b>	<b>\$86.00</b>	
Multiple dependent claim(s) (if applicable)			+ <b>\$290.00</b>	<b>\$0.00</b>	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				<b>\$330.00</b>	

☐ Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.

**SUBTOTAL =****\$330.00**

Processing fee of **\$130.00** for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).

+

**TOTAL NATIONAL FEE =****\$330.00**

Fee for recording the enclosed assignment [37 CFR 1.21(h)]. The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). **\$40.00** per property.

+

**TOTAL FEES ENCLOSED =****\$330.00**

Amount to be  
refunded  
charged

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 13-2755 in the amount of \$330.00 to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to the Deposit Account No. 13-2755. A duplicate copy of this sheet is enclosed.

**NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive [37 CFR 1.137(a) or (b)] must be filed and granted to restore the application to pending status.**

SEND ALL CORRESPONDENCE TO:

Customer No. 000210

MERCK & CO., INC.  
Patent Department, RY60-30  
P.O. Box 2000  
126 East Lincoln Avenue  
Rahway, New Jersey 07065-0970



SIGNATURE

RICHARD C. BILLUPS

NAME

31.916

REGISTRATION NUMBER

DATE: September 2, 2004PHONE #: (732) 594-4683